

September 23, 2009

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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Signed: September 21, 2009

EDWARD D. JELLEN
 U.S. Bankruptcy Judge

Attorneys for WELLS FARGO BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR
 THE CERTIFICATEHOLDERS OF STRUCTURED ASSET MORTGAGE
 INVESTMENTS II INC. BEAR STEARNS MORTGAGE FUNDING TRUST
 2007-AR4 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-
 AR4

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

RUSTICO SUGATAIN BLANCO AND
 CHARITO ORCINE BLANCO,

Debtor(s).

Case No. 09-43647

Chapter 7

R.S. No. JBA-480

ORDER GRANTING MOTION FOR
 RELIEF FROM AUTOMATIC STAY

DATE: September 4, 2009

TIME: 10:00 AM

CTRM: 215

Northern District of California - Oakland
 Division

United States Bankruptcy Court
 1300 Clay Street
 Oakland, CA 94612

The above-captioned matter came on for hearing on September 4, 2009, at 10:00 AM, in
 Courtroom 215, upon the Motion of Wells Fargo Bank, National Association as Trustee for the
 Certificateholders of Structured Asset Mortgage Investments II Inc. Bear Stearns Mortgage
 Funding Trust 2007-AR4 Mortgage Pass-Through Certificates, Series 2007-AR4 ("Movant"), for
 relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of
 Rustico Sugatain Blanco and Charito Orcine Blanco ("Debtors") commonly known as

1 Blossom Way, Hayward, California 94541 (the "Real Property"), which is legally described as
2 follows:

3 Parcel Two of Parcel Map 7504, recorded December 30, 2003, in
4 Book 274 of Parcel Maps, Pages 50 and 51, Alameda County
Records.

5 APN: 429-0014-135

6 Appearances as noted on the record.

7 Based on the arguments of counsel, and good cause appearing therefor,

8 IT IS HEREBY ORDERED:

9 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
10 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

11 2. Movant is authorized to foreclose its security interest in the Real Property under
12 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

13 3. The 10-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

14 4. Post-petition attorney's fees and costs for the within motion may be added to the
15 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

16 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
17 may proceed in State Court for unlawful detainer pursuant to applicable state law;

18 6. Movant may offer and provide Debtors with information re: a potential
19 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
20 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
21 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
22 liability is discharged in this bankruptcy case; and

23 7. This Order shall be binding and effective despite any conversion of this
24 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

25
26 ** END OF ORDER **
27
28

COURT SERVICE LIST

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